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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,224	03/23/2004	Sayling Wen	3313-1142PUS1	1671
2292 7590 08/23/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER GISHNOCK, NIKOLAI A	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 08/23/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/806,224

Applicant(s)

WEN ET AL.

Examiner

Nikolai A. Gishnock

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings filed 3/23/2004 are objected to because they do not comply with 37 CFR §1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of claims 4 & 11, wherein the faculty member list comprises of a faculty member's sex, city, biography, and rating, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are further objected to because they do not comply with 37 CFR §1.84, ¶(m). The shading in Figures 5-a through 5-g obscures the drawing and text of the figures, reducing their legibility.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Claim Objections

4. Claim 9 is objected to because of the following informalities: The word *faculty* at line 10, and the word *verification* at line 19 are misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for "said lecturing facility grades said student's learning process" and where "faculty and student can inquire said learning grade", does not reasonably provide enablement for performing grading or inquiring said grade *instantaneously*. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The word *instantaneously* is understood to mean, "occurring or completed in an instant". It is not apparent from the Applicant's specification how a student's learning process can be completed in an instant, or how a faculty member or student could perform an inquiry of the computer system in an instant, or how the computer system disclosed could respond to such an inquiry in an instant.

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8. Claims 1-3, 7, 10, & 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, the precise meaning of the limitations, "computes said learning grade in different levels to a grade listing" [Claim 1], "who passes qualification authentication implement password generation, change, and inquiry functions" [Claim 2], "comprises of student passing enrollment registration implement password generation, change, and inquiry functions" [Claim 3], "to connect voice and video frequency" [Claim 7], "faculty execute qualification evaluation and records identity verification" (sic) [Claim 10], "student execute enrollment registration and records identity verification" [Claim 10], or "displaying said learning grade at student end" [Claim 16], are unclear.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3, 6-10, 12, 15, & 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Pellegrino et al. (US 6,149,441), hereinafter known as Pellegrino.

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12. Pellegrino discloses an Internet educational system and method, combining learning and academics, used to implement lesson and related academic affair managing between faculty and students (a computer-based educational system, accessed by teachers and students via Internet browser applications, in which the students may collaborate with other students as well as the teacher, Abstract), comprising: a member managing module, used to complete identity authentication and data inquiry for faculty and students (User Management capability provides for the identification and validation of users, and for the tracking of logon/logoff activity, 26:52-58), comprising: a faculty managing unit, which stores a faculty member list that is used to complete faculty qualification authentication and record identity verification; and a student managing unit, which stores a student member list that is used to complete student enrollment registration and record identification verification (two databases are maintained to support this {User Management} function: one for student users, and the other for non-student or staff users, 26:52-58); a course managing module (Student/Support/Teacher/Administrative Home Pages, 9:39-61), which provides course placement (student is in three classes – “Astronomy 200”, “Ecology”, and “History 400”, 9:39-61, see also Figure 4), verifies course selection information (user can initiate lessons and navigate through a given lesson, 9:39-61), and displays the faculty member list and course list to online students (for an authorized user, “user management” button allows a user to display a search results screen which displays the user database for each respective user, in the “Student” database or the “Staff” database, 26:65-27:36), which comprises of a course database, which stores at least one course data, including text and multimedia picture content, provides course selection and online teaching (lesson database for storing existing lessons, each of which includes predetermined lesson material, including one or more of text, image, video, audio, and application program files, and providing a display of output for a user, 3:9-16); a course scheduling module (Student Home Page, 9:20-

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61), which receives course selection information (student is in three classes, "Start Lesson" button is provided for initiating the lessons, 9:20-61) and appointment with lecturing faculty from a student (using collaboration software, 26:7-22), transmits selected course selection information and faculty appointment information to said course managing module, then transmits said verification result back to said student (Upon activating the respective "Start Lesson" button, {lesson} page is presented to the student, 9:62-10:16); a lecturing module (lesson delivery management module, 26:7-22), which, according to student selected course information and lesson time (inherently in Pellegrino, based on the selected lesson and scheduled time), retrieves corresponding lesson content from said lesson database (lesson delivery management module delivers the lesson to the student, 26:7-22), and simultaneously connects corresponding lecturing faculty and students online to execute a teaching activity (the provision to the student of collaboration tools, allows joint assignments that are worked on by multiple students and a teacher, each at a separate computer, 26:7-22), and, during lecture, said lecturing faculty grades said student's learning process (the lesson can include a button for submitting the finished editorial to the teacher for grading and an evaluation, 10:40-42), collects all grade statistics (Navigation Element allows the teacher to record all the actions taken by each student as he or she progresses through the selections provided, to allow the teacher to later review the manner in which the student utilized the navigation, 22:22-52), and obtains learning grade for a current level (the teacher may access the information of the database to assess student comprehension and performance in carrying out the assignments of the lesson and for generating reports based on the recorded data, 22:22-52); and a grade managing module (User Management Administrative Screen, 26:65-27:36), which is used to receive said learning grade (User Management screen includes an "Add Student User" form, requesting entry of information on the respective student for each of the fields of the student database,

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including grade, 26:65-27:36), and computes said learning grade in different levels to a grade listing, and displays and outputs said grade list, so faculty and student can inquire the list to obtain said learning grade instantaneously (Navigation Element is used to generate reports based on recorded actions taken by each student, as he or she progresses, 22:42-52; the process of generating reports would inherently require computing the grade; Pellegrino discloses that the navigation data is recorded in a class-specific database, 22:42-52; the usage of the word *class* in Pellegrino is understood to mean the students' level of progression in a school's classification system (as in 26:23-24); conversely, the word *grade* in Pellegrino is understood to mean the user's score or ranking in a course; thus, the class-specific recorded student actions as understood to be computing a learning grade in different levels) [Claims 1 & 9].

13. Pellegrino discloses wherein said faculty managing unit also comprises of faculty who pass qualification authentication by implementing password generation, change, and inquiry functions (a teacher can allow others to modify a lesson by checking the check box, and can require use of a password for such modification by entering a password in the password field, 16:63-66; it is inherent that those allowed to modify the lesson are qualified by the teacher to do so) [Claims 2, & 10], and wherein said student managing unit also comprises of a student passing enrollment registration by implementing password generation, change, and inquiry functions [Claims 3 & 10] (Student Home page "Logon Page", Figure 3; for providing student's password, 9:20-37; A student, class, or some other grouping of student users is added to the lesson's "permission to run" list, 9:56-58, in order for the student(s) to see the lesson; also, in regard to implementation of password functions, "user management" button {is available} for managing the capabilities available to, and required by various users, for example, changing user passwords, and for reviewing student logon information, 10:62-66) [Claims 2, 3, & 10].

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14. Pellegrino discloses wherein said course scheduling module transmits a student's course selection result to a corresponding lecturing faculty, so said lecturing faculty can execute lesson preparation after obtaining the course selection result (student is in three classes, "Start Lesson" button is provided for initiating the lessons, and each lesson's web pages include a navigation scheme, 9:39-61; the Navigation Element allows the teacher to record the actions taken by each student as he or she progresses, 22:42-52; hence, student's course selection is transmitted to the faculty member) [Claim 6].

15. Pellegrino discloses wherein said lecturing module constructs an Internet connection between a lecturing faculty member and student, and connects voice and video between the lecturing faculty member and a student (using collaboration tools, the essay assigned to students can be a joint assignment that is to be worked on by multiple students and a teacher, each at a separate client computer. Each can view a video of the others while some or all edit and compose the essay, 26:7-22; also debate via video teleconferencing, Figure 8, Item 210; it is inherent in Pellegrino that the collaboration tools disclosed, such as Microsoft Corporation's MS NetMeeting™ and Cornell University's CUSeeMee™ transmit both video and voice data) [Claims 7 & 15].

16. Pellegrino discloses wherein said lecturing module transmits current course content simultaneously to said faculty and student, allowing interactive teaching, focusing on a corresponding lesson topic (Students and teachers may access the Internet during delivery of a lesson, 3:46-58; also, 26:7-22 shows interactive, collaborative teaching in Pellegrino; the joint assignment is worked on by the students and the teacher simultaneously) [Claim 8].

17. Pellegrino discloses wherein said step of verifying student's said course schedule and return verification result, comprises a corresponding online faculty member verifying the student's course schedule, and returning a verification result (the present invention {of

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Pellegrino} includes provision for assigning students to classes, teachers to classes, and controlling the lessons to which students have access, via the Teacher Home Page, 26:23-32) [Claim 12].

18. Pellegrino discloses wherein said step of displaying learning grade to said student also comprises of: receiving student's grade inquiry data, searching for a corresponding learning grade from said grade database from said inquiry data, and displaying said learning grade to a student (the system displays a search screen which displays the current information in each of the database fields for the respective user 27:24-30; student database includes grade, 27:4-10; because the system works the same way, the difference in what is displayed being only the user's access level {as in 9:29-38}, it is inherent that Pellegrino discloses searching based on a student's inquiry, and displaying grades to a student) [Claim 16].

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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21. Claims 5, 13, & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrino, in view of Bunting (US 6,629,843 B1), hereinafter known as Bunting.

22. Pellegrino teaches all the features as demonstrated above in the rejection of claims 1 & 9, including providing faculty online to receive a student's course selection information. What Pellegrino fails to teach is wherein said lesson scheduling module also comprises of transmitting a check result back to the student or verifying student's said course schedule and returning a verification result back to said student and corresponding a faculty member [Claims 5, 13 & 14], and reminding a student to restart course scheduling if there is a conflict in the verification result [Claim 14]. However, Bunting teaches an online Internet-based training system, comprising a calendar event selection subsystem, where the counselor of a course is emailed when a user schedules that course (8:26-41), thus providing the student's course selection to a faculty member online. Where the user has selected the event categories, the user's personal calendar displays the user's selected categories and personal events, and a determination is made whether the {user's} event selection conflicts with another scheduled event or course (6:58-7:14), thus providing a check or verification result, as all the user's events are displayed on the user's calendar. Because the same personal calendar is used for both events and courses, it is inherent in Bunting that a course is treated merely as a series of events to be scheduled. When an event conflict exists, the user is warned about the conflict and asked whether they still wish to schedule the event (7:15-25), thus providing a reminder to restart scheduling the course. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have provided a check or verification back to the student, warning the student to restart course selection if a conflict is discovered, as taught by Bunting, in the Internet-based educational system of Pellegrino, in order to provide early resolution of potential conflicts in courses and events by canceling one of the conflicting courses or events [Claims 5, 13, & 14].

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23. Claims 4 & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrino, in view of Bunting, as applied to claims 1 & 9 above, and further in view of Linton (US 6,282,404 B1), hereinafter known as Linton.

24. Pellegrino teaches all the features as demonstrated above in the rejections of claims 1 & 9, including wherein a user list ("Add Staff" form button, having the same type of information as the student users database, 27:11-15), includes fields such as name, sex {gender}, and rating {grade} (27:27:4-10). What Pellegrino fails to explicitly teach is wherein said faculty member list comprises of city, brief biography, rating, online condition, and appointment status [Claims 4 & 11]. However, Bunting teaches a personal profile, presenting personal data links, which permit a user to change information, such as personal data, family, interests/hobbies, goals, disabilities, education, and career choices (5:64-6:3). These personal data links are understood to be brief biography data. Bunting also teaches a personal calendar displaying personal events (6:58-67). The display of personal events on the calendar is understood to be appointment status. What Pellegrino and Bunting fail to teach is wherein said faculty member list comprises of located city, and online condition [Claims 4 & 11]. However, Linton teaches user profiles including a user's name, active status, last login information, and address, city, state, and zip code (11:13-45). The city is understood to be a city location, and active status and last login information is understood to reflect an online condition.

25. Pellegrino, Bunting, and Linton demonstrate that the prior art includes each element claimed, although each element is not necessary in a single reference. Further, one of ordinary skill in the art could have combined the elements as claimed, by known methods, and that in that combination, each element merely would have performed the same function that it did separately; and one of ordinary skill in the art would have recognized that the results of such combination were predictable. Therefore, it would have been obvious to one of ordinary skill in

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the art, at the time the invention was made, to have combined the name, sex, city, biography, rating, online condition, and appointment status, in a faculty member profile list, as taught by Pellegrino, in view of Bunting and Linton, in order to aid a user in locating a faculty member, based on the profile of the faculty member [Claims 4 & 11].

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cook et al. (US 5,727,950) discloses an Internet based instructional system, in which a teacher generates multimedia course data for presentation on a student's computer, which can grade a student's assignments, maintain teacher's and student's profile data, perform user authentication, and provides tools for email and messaging. Alcorn et al. (US 6,988,138), discloses an Internet-based education support system, providing a means for creation of online courses, online registration, and tuition payment. Fracek, Jr. et al. (US 2002/0069086 A1) discloses a web-linked database for tracking an evaluation program for medical students, comprising login and logoff capabilities, school program entry, verification, and grade tracking.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikolai A. Gishnock whose telephone number is 571-272-1420. The examiner can normally be reached on M-F 8:30a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8/16/2007

Ronald Laneau

Ronald Laneau
Primary Examiner
Art Unit 3714

8/18/07